

Nov 05, 2019

SEAN F. McAVOY, CLERK

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

GARY A.¹,

Plaintiff,

vs.

ANDREW M. SAUL,
COMMISSIONER OF SOCIAL
SECURITY,²

Defendant.

No. 1:19-CV-03079-MKD

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND PURSUANT TO
SENTENCE FOUR OF 42 U.S.C. §
405(g)**

ECF Nos. 12, 16

Before the Court is the parties' Stipulated Motion for Remand, ECF No. 16,
of the above-captioned matter to the Commissioner for additional administrative

¹ To protect the privacy of plaintiffs in social security cases, the undersigned
identifies them only by their first names and the initial of their last names.

² Andrew M. Saul is now the Commissioner of the Social Security Administration.
Accordingly, the Court substitutes Andrew M. Saul as the Defendant and directs
the Clerk to update the docket sheet. *See* Fed. R. Civ. P. 25(d).

1 proceeding pursuant to sentence four of 42 U.S.C. § 405(g). Attorney D. James
2 Tree represents Plaintiff. Attorney Kathryn Miller represents Defendant. The
3 parties have consented to proceed before a magistrate judge. ECF No. 5. After
4 consideration, **IT IS HEREBY ORDERED** that:

5 1. The District Court Executive is directed to substitute Andrew M. Saul as
6 the Defendant and update the docket sheet.

7 2. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**.

8 3. The above-captioned case be **REVERSED** and **REMANDED** to the
9 Commissioner of Social Security for further administrative proceeding pursuant to
10 sentence four of 42 U.S.C. § 405(g).

11 On remand, the parties stipulate that the ALJ will:

- 12 (1) provide Plaintiff with a de novo hearing;
13 (2) reevaluate the medical opinion and other source evidence;
14 (3) reevaluate Plaintiff residual functional capacity; and
15 (4) if warranted, obtain additional vocational evidence.

16 ECF No. 16 at 1-2.

17 4. Judgment shall be entered for **PLAINTIFF**.

18 5. Plaintiff's Motion for Summary Judgment, **ECF No. 12**, is **STRICKEN**
19 **AS MOOT**.

20 6. Upon proper presentation, this Court consider Plaintiff's application for
fees and expenses under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

1 The District Court Executive is directed to enter this Order, **enter**
2 **Judgment**, forward copies to counsel, and **CLOSE THE FILE**.

3 DATED November 5, 2019.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES MAGISTRATE JUDGE
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